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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CITY OF HENDERSON

13 Appellant(s)

14 vs.

15 BASIC WATER COMPANY; BASIC WATER
16 COMPANY SPE 1 LLC; BANK OF NEVADA

17 Appellee(s)

18 Case No.: 2:23-cv-01373-APG
19 Appeal Reference No.: 23-17

20 BK Case No.: 22-13252-mkn
21 Chapter: 11

22 **STIPULATION AND ORDER TO STAY
23 APPEAL PENDING CONFIRMATION
24 OF PROPOSED PLAN**

25 Jointly administered with:
26 Basic Water Company SPE 1, LLC,
27 Case No. 22-13253-MKN

28 City of Henderson (“COH” or “Appellant”), by and through its undersigned counsel, the
29 law firm of Carlyon Cica Chtd., and Appellees Basic Water Company (“BWC”), Basic Water
30 Company SPE 1, LLC (“SPE”) and Bank of Nevada (“BOA”) by and through its undersigned
31 counsel of record hereby stipulate and agree as follows:

32 WHEREAS, on August 15, 2023 the Bankruptcy Court entered its Order on Motion for
33 Allowance and Payment of Administrative Claim¹ [ECF No. 465]; and

34 WHEREAS, on August 28, 2023, COH filed its Notice of Appeal and Statement of Election
35 [ECF No. 482]; and

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38 ¹ All references to “ECF No.” are to the numbers assigned to the documents filed in the bankruptcy
39 case as they appear on the docket maintained by the clerk of the court.

1 WHEREAS on September 5, 2023 the Notice of appeal was docketed with to United States
2 District Court

3 WHEREAS, Debtors, Basic Water Company and Basic Water Company SPE 1, LLC, have
4 reached an agreement with respect to the subject matter of this appeal, which is subject to approval
5 through the Debtors' pending First Amended Joint Plan of Reorganization for Basic Water
6 Company and Basic Water Company SPE 1, LLC under Chapter 11 of the Bankruptcy Code dated
7 August 25, 2023 [ECF No. 473] (the “Plan”), which is currently set for hearing on October 10, 2023
8 at 9:30 a.m.; and

9 WHEREAS, the Parties anticipate that this appeal will be resolved via confirmation of the
10 Plan; and

11 WHEREAS, the Parties anticipate that the Effective Date of the Plan will occur prior to
12 December 31, 2023:

13 **IT IS HEREBY STIPULATED** that the Appeal is hereby stayed through and including
14 December 31, 2023.

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1 **IT IS FURTHER HEREBY STIPULATED** that, if the Appeal is not dismissed prior to
2 December 1, 2023, Appellant shall file a status report with the Court on or before December 15,
3 2023.

4 **IT IS SO STIPULATED**

5 **CARLYON CICA CHTD.**

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5 **SCHWARTZ LAW, PLLC**

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27 Counsel for Bank of Nevada

28 **ORDER**

29 **IT IS SO ORDERED:**

30 UNITED STATES DISTRICT COURT JUDGE

31 DATED: _____